

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

David Bacchus,)	
)	
Plaintiff,)	Civil Action No. 6:09-1226-HMH-WMC
)	
vs.)	<u>ORDER</u>
)	
Major Dean, Associate Warden Bell,)	
and Investigator Greer,)	
)	
Defendants.)	
_____)	

This matter is before the court on motion of the plaintiff for court-appointed counsel filed July 29, 2009.

The Congress does not appropriate funds to pay attorneys who represent litigants in civil rights cases. 53 Comp. Gen. 638 (1974). Although this economic fact is not conclusively determinative of the issue, it is a practical consideration which cannot be ignored. Moreover, it has been authoritatively stated in this context that a person who has a legitimate civil rights claim for damages "will likely find private counsel available on a contingent fee basis." *Williams v. Leeke*, 584 F.2d 1336, 1339 (4th Cir. 1978). In most civil rights cases, the issues are not complex, and whenever such a case is brought by a *pro se* litigant, this court outlines proper procedure so the *pro se* litigant will not be deprived of a fair opportunity to present his or her case. *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975). In some instances, of course, a failure to make a discretionary appointment of counsel may represent an abuse of discretion, but this is not the type of case which presents factors that clearly reflect a need for the plaintiff to have counsel appointed.

Since the court provides special procedures for *pro se* litigants, such as the plaintiff, he does not need the Local Rules, which are primarily used by attorneys admitted to practice.

Now, therefore,

IT IS ORDERED that the plaintiff's motion for appointment of counsel and for a copy of the local rules (doc. 22) is denied.

IT IS SO ORDERED.

s/William M. Catoe
United States Magistrate Judge

August 25, 2009

Greenville, South Carolina